

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

TARYN CHRISTIAN,)	CIV NO. 04-00743 DAE-LEK
)	
Petitioner,)	
)	
vs.)	
)	DECLARATION OF COUNSEL
RICHARD BISSEN, Acting)	
Director, State of Hawaii)	
Department of Public Safety,)	
)	
Respondent.)	

DECLARATION OF COUNSEL

I, Mark Barrett, hereby declare and state the following:

1. Declarant is counsel for Petitioner Taryn Christian in the above-entitled case. I am a licensed lawyer in the State of Oklahoma and am admitted pro hac vice in the present habeas case.

2. I have reviewed the records and files of the instant case and I am informed and of the belief:

a. The factual statements made in the brief accompanying this declaration are true;

b. The factual statements are supported by documents contained in exhibits on file in this habeas case. These exhibits include documents first filed as exhibits

in the state post-conviction proceedings, they include trial transcripts, and they include transcripts of the state post-conviction hearing on Petitioner s request for discovery.

c. In particular, the factual statements in the conclusion to the present brief are supported by the following:

(1) The trial transcript reflects evidence that James Burkhart was scheduled to be at a residence near the crime scene on the evening of the shooting, that a person discussed Burkhart with police near the crime scene, and that efforts were made to introduce Burkhart confessions;

(2) Exhibits to the post-conviction proceedings include additional evidence of Burkhart confessions, evidence that persons called Crime Stoppers and reported that Burkhart matched the crime scene sketch, and evidence from an audio expert that Burkhart s name can be heard on the tape of the 911 call to police.

I declare under penalty of law that the foregoing is true and correct.

Executed on June 21, 2007.

/s/ Mark Barrett
MARK BARRETT